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PATENT  
07-10017

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of:  
BATES, Daniel Louis, et al.

Serial Number: 10/786,777 Examiner: XU, Kevin K.

Filed: Nov. 18, 2004 Art Unit: 2628

For: System and Method for Tracking an Object in a Video and Linking Information Thereto

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF FIRST CLASS MAILING**

Dear Sir or Madam:

Enclosed herewith is the following:

1. Submission of Prior Art and Protest Under 37 CFR 1.291
2. PTO 1449 Form listing WO 97/12342; and
3. Return Post Card.

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P.O. Box 1450  
Alexandria, VA 22313-1450

Date: January 26, 2007

Respectfully submitted,  
LAW OFFICES OF DAVID L. HOFFMAN  
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Reg. No. 32,469

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PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of:

**BATES, Daniel Louis, et al.**

Serial Number: 10/786777

Examiner: XU, KEVIN K.

Filed: Nov. 18, 2004

Art Unit: 2628

For: System and method for tracking an object in a video and linking information thereto

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUBMISSION OF PRIOR ART AND PROTEST UNDER 37  
CFR 1.291**

Dear Sir or Madam:

This is a Submission of Prior Art and Protest to the above identified application.

Submitted herewith are the following:

Listing of the references cited herein; and

Copy of the references relied upon herein.

This protest meets the requirements of 37 CFR 1.291:

- i) it is submitted in writing;
- ii) specifically identifies the application to which the protest is directed by application number (serial number) and filing date;
- iii) includes a listing of all patents, publications, or other information relied on;
- iv) contains a concise explanation of the relevance of each listed item; and

- v) is accompanied by a copy of each patent, publication, or other document relied on.
- vi) In addition, the protest and accompanying papers reflect that a copy of the same has been served upon the applicant's attorney or agent of record.

Lastly, according to the MPEP 1901.06, the requirements of 37 CFR 1.291 are not intended to be interpreted overly technically and the next office action on the merits must address the points and arguments in the protest:

"It is not intended that the examiner be overly technical in construing **37 CFR 1.291c** and refuse consideration of a protest because it does not include all of the contents enumerated by **37 CFR 1.291c**. The examiner should consider the protest to the extent it is helpful even though one or more of the listed items is omitted."

"In view of the value of written protests, the examiner must give careful consideration to the points and arguments made on behalf of the protestor. Any Office action by the examiner treating the merits of a timely submitted protest complying with **37 CFR 1.291c** must specifically consider and make evident by detailed reasoning the examiner's position as to the major arguments and points raised by the protestor."

It is important that the protest be considered to avoid the substantial difficulties and litigation that can result from issuance of a patent with invalid claims.

- vii) This protest is the first protest submitted in the application by the real party in interest.

#### **CONCISE DESCRIPTION OF RELEVANCE OF THE NEW REFERENCE(S)**

The subject patent application concerns a system that allows a user, who is viewing a primary video, to click on an object in a frame of the primary video, and link to a secondary video or other content. The purported improvement is that the data to make the object "hot," is contained in a separate file from the file in which the primary video data is contained, e.g., to alleviate the need to re-record the primary video with the linking data in it. **However, this is clearly disclosed already in PCT Published Application No. WO 97/12342.**

PCT Published Application No. WO 97/12342 (the '342 reference) discloses the following:

an image processing system that processes video content or media content (by playing a digital video file called "frame data" accessed by server 30 (Fig. 3 and p. 9, line 38 to p. 10, line 2);

and the system links pixel objects (e.g., objects A and B in Fig. 2 and p. 8, lines 12-14 and thereafter) that are in the video to further media content (using an IDM "interactive digital media" program) (Figs. 2 and 3),

where the data, frame number  $F_i + n$  and object location within the frame (all called "N data", as shown in Figs. 1 and 2, and p. 7, lines 27-31, and p. 8, lines 22-39) that defines the object to be made "hot" is stored in a separate file from the video content ("frame data") (e.g., Figs. 3 and 4 and p. 8, lines 22-39), and

where there are:

a video capture system for capturing video frames to be viewed (e.g., console processor 40, video processor 48 and display out device 49 in Fig. 4, and/or video display device 34 of Fig. 3);

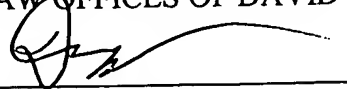
a user interface for the user to select pixels (e.g., pointer detection circuit 44 and/or remote control 36 of Figs. 4 and 3); and

a pixel object tracking system including a processor to automatically track pixel objects in other frames (see discussion at pages 13-15 under the heading "Authoring and Mapping of "Hot Spots" As N Data").

The N data (frame/object location) and the actual link data (hyperlinking data) may be stored in the same file (separate from the video content) or the N data and link data can be in the same file. (P. 17, lines 18-23)

Respectfully submitted,

LAW OFFICES OF DAVID L. HOFFMAN



David L. Hoffman,  
Reg. No. 32,469

Date: January 24, 2007

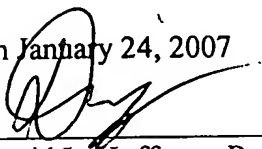
Encls.

CERTIFICATE OF FACSIMILE

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on January 24, 2007

  
David L. Hoffman, Reg. No. 32,469

Date: January 24, 2007

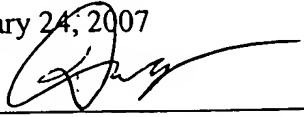
PROOF OF SERVICE

I hereby certify that I served a copy of the foregoing document on Applicant's attorney of record in the subject application pursuant to 37 CFR 1.291 by putting a copy of the foregoing document entitled SUBMISSION OF PRIOR ART AND PROTEST UNDER 37 CFR 1.291, in an official United States Postal Service repository on the date set forth below and addressed as follows:

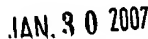
Patent Administrator  
Katten Muchin Rosenman LLP  
Suite 1600  
525 West Monroe Street  
Chicago, IL 60661-3693

on January 24, 2007

by

  
David L. Hoffman, Reg. No. 32,469

Date: January 24, 2007



Approved for use through 03/31/2007. OMB 0651-0031

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Substitute for form 1449/PTO

*(Use as many sheets as necessary)*

Sheet	1	of	1
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**Complete if Known**

Application Number	10/786777
Filing Date	Nov. 18, 2004
First Named Inventor	BATES, Daniel Louis
Art Unit	2628
Examiner Name	XU, Kevin K.
Attorney Docket Number	05-10027

## U. S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

[illegible]

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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